

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION

JULLIAN ANDREW HUFFMAN,)
Plaintiff,) 2:24-CV-01147-CBB
vs.) United States Magistrate Judge
NURSE PRACTITIONER C. LARGE,) Christopher B. Brown
PSYCHIATRIST SHAH,)
Defendants.)

MEMORANDUM ORDER¹

CHRISTOPHER B. BROWN, United States Magistrate Judge.

I. INTRODUCTION

This civil action was initiated by Plaintiff Jullian Andrew Huffman (“Huffman”) alleging that Defendants Nurse Practitioner C. Large and Psychiatrist Shah violated Huffman’s civil rights by denying Huffman medical care while incarcerated at the Southwest Virginia Regional Jail Authority at Duffield (“SWVRJA Duffield”).

For the reasons below, it is hereby **ORDERED** that this prisoner civil rights action be **TRANSFERRED FORTHWITH** to the United States District Court for the Western District of Virginia where venue is proper because all the claims involve

¹ A motion to transfer venue pursuant to 28 U.S.C. § 1404(a) involves a non-dispositive pretrial matter which under 28 U.S.C. § 636(b)(1)(A) a United States Magistrate Judge may decide. *Washam v. Shapiro*, No. 1:19-CV-838, 2019 WL 2137268, at *3 (M.D. Pa. May 16, 2019) (collecting cases); *McManus v. Giroux*, No. 3:13-CV-1729, 2013 WL 3346848, at *2 (M.D. Pa. July 2, 2013) (collecting cases).

events that took place at SWVRJA Duffield which is located in the territorial limits of the United States District Court for the Western District of Virginia.²

II. BACKGROUND

Huffman is a prisoner currently incarcerated at SWVRJA Duffield, which is located in Scott County, Virginia, and contained within the territorial limits of the United States District Court for the Western District of Virginia. The gravamen of Huffman's complaint is that Defendant medical professionals at SWVRJA Duffield are not providing Huffman with gender-affirming medical care. ECF No. 1 at 5-6. Both Defendants are alleged to have denied medical care to Huffman at SWVRJA Duffield.³ Huffman alleges that Defendants violated the First, Eighth and Fourteenth Amendment under 42 U.S.C. § 1983. *Id.* at 3.

a. Venue is Proper in the United States District Court for the Western District of Virginia

Claims made pursuant to section 1983 have no special venue provision and the general venue provisions of 28 U.S.C. § 1391 apply. *Urrutia v. Harrisburg Cnty. Police Dept.*, 91 F.3d 451, 462 (3d Cir. 1996) (citation omitted). Section 1391 provides that a civil action, except for diversity jurisdiction actions, may be brought

² SWVRJA Duffield is located at 1037 Boone Trail Road, Duffield, Virginia 24244 in Scott County, Virginia. See online at: <https://www.swvrja.org/contact-us/> (site last accessed on September 11, 2024). Scott County is located within the territorial confines of the United States District Court for the Western District of Virginia. 28 U.S.C. § 127(b).

³ Plaintiff alleges Defendants are employees of Wexford Health Sources, Inc., which appears to be a Florida corporation with its principal place of business located within this district, which the Court will assume is why Huffman filed this action in this district.

in: “(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, . . . or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.” 28 U.S.C. § 1331(b). The complaint indicates that Defendants denied Huffman medical care at SWVRJA Duffield located in the Western District of Virginia. This supports the inference that Defendants reside within that judicial district.

Likewise, it appears that all the events or omissions giving rise to Huffman’s action occurred within the Western District of Virginia as the claims pertain solely to the denial of medical care at SWVRJA Duffield. As such, it appears that venue is properly laid in the Western District of Virginia.

A district court is granted discretion to transfer a case *sua sponte* to any district or division where the case might have been originally brought “[f]or the convenience of the parties and witnesses” and “in the interests of justice[.]” 28 U.S.C. § 1404(a); *Danziger & De Llano, LLP v. Morgan Verkamp LLC*, 948 F.3d 124, 132 (3d Cir. 2020). The United States Court of Appeals for the Third Circuit has promulgated a non-exhaustive list of factors in considering a venue transfer under section 1404(a), including the parties’ forum preferences, where the claims arose, the convenience of the parties relative to their physical and financial condition, the convenience of the witnesses to the extent they may be unavailable in one of the fora, the location of the books and records, the enforceability of the

judgment, the relative administrative difficulties, the interest of decision local controversies at home, public policy, and the familiarity of the trial judge with the applicable state law in diversity cases. *Jumara v. State Farm Ins. Co.*, 55 F.3d 873, 879–80 (3d Cir. 1995).

Having considered these factors, it is the Court's opinion that these factors weigh heavily in favor of *sua sponte* transfer of this case to the United States District Court for the Western District of Virginia. No ruling will be made on the pending motion for *in forma pauperis* which is left to the sound discretion of that Court. ECF No. 4.

Accordingly, the following Order is entered:

AND NOW, this 17th day of September, 2024, it is HEREBY ORDERED that the Clerk's Office shall **TRANSFER** this case pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the Western District of Virginia for all further proceedings **FORTHWITH**.

BY THE COURT:

s/ Christopher B. Brown
United States Magistrate Judge

cc: JULLIAN ANDREW HUFFMAN
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